

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
EASTERN DIVISION**

HIRSCHBACH MOTOR LINES, INC., §  
§  
*Plaintiff*, § Case No. 20-cv-01031-MAR  
§  
v. §  
§  
NAVISTAR, INC. & NAVISTAR § **AGREED MOTION FOR LEAVE TO  
INTERNATIONAL CORPORATION, § FILE UNDER SEAL**  
§  
*Defendants.* §

Defendant Navistar, Inc. (“Navistar”) moves this Court for an order allowing leave to file a Motion to Dismiss and for a More Definite Statement and supporting brief under seal pursuant to LR 5(c) and Federal Rule of Civil Procedure 5.2(d) for the following reasons:

1. On August 20, 2020, Plaintiff Hirschbach Motor Lines, Inc. (“Hirschbach”) filed a Motion for Leave to File Under Seal, asking the Court to seal the Complaint and attached exhibits. *See* [Doc. 1]. In Hirschbach’s Motion, it described a number of non-disclosure agreements between the parties. *Id.* at ¶ 3. It stated that the agreements and their contents containing information potentially subject to the non-disclosure provisions are disclosed in exhibits attached to Hirschbach’s Complaint. [Doc. 1] at ¶¶ 3-16.
2. On August, 21, 2020, the Court granted Hirschbach’s Motion. [Doc. 3].
3. Navistar likewise asserts that all agreements between the parties contain confidential information that is either protected by non-disclosure provisions or is otherwise eligible for protection under law. The confidential agreements, including exhibits attached to Plaintiff’s Complaint and all allegations discussing same, include customer-specific truck pricing and other customer-specific terms related to the trucks Hirschbach purchased from Navistar.

4. The disclosure of the confidential information to the public and Navistar's competitors could cause irreparable harm to Navistar.

5. While the Complaint and attached exhibits are sealed, the Motion to Dismiss and for a More Definite Statement and supporting brief make reference to the confidential contractual relationship between the parties and the confidential information in order to appropriately respond to the allegations discussing same.

6. Pursuant to LR 7(k), counsel for Navistar personally conferred with counsel for Hirschbach concerning this Motion and obtained Hirschbach's consent to this Motion.

For the foregoing reasons, Navistar respectfully requests leave to file its Motion to Dismiss and for More Definite Statement and supporting brief under seal. Navistar requests such other relief in law or in equity for which it may be entitled.

Dated: October 15, 2020

Respectfully submitted,

/s/ Stephanie Hinz  
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**ATTORNEYS FOR DEFENDANT  
NAVISTAR, INC.**

**CERTIFICATE OF CONFERENCE**

On October 13, 2020, the undersigned conferred with counsel for Plaintiff, Jeana Goosmann, via email correspondence. Ms. Goosmann agreed to the relief sought by this motion with the stipulation Plaintiff may move to unseal and is not waiving any arguments on the merits.

*s/ Jeffery Patterson* \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify that on this 15th day of October, 2020, a true and correct copy of the foregoing was electronically filed and served on all parties of record via E-filing, including the party listed below.

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*s/ Stephanie Hinz*